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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,030	02/10/2004	Kunihiro Matsuura	02008/149001	9063

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EXAMINER
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KOBERT, RUSSELL MARC

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/776,030

Applicant(s)

MATSUURA ET AL.

Examiner

Russell M. Kobert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-8, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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1. Applicant's arguments filed 14 February 2006 have been fully considered but they are not persuasive. Applicants arguments as stated in the Amendment, page 11, lines 5-15 are directed the intended use of the claimed apparatus. Applicants are hereby reminded that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Moreover, Applicants' argument that the first internal conductor and the second external conductor in Kuboyama are not connected is irrelevant to the claimed invention because there exists no limitation in at least independent claim 1 that requires the first internal conductor and the second external conductor to be connected.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuboyama et al (5014012).

Kuboyama et al anticipates a testing apparatus (Figures 1-3) for testing a device under test (2) by supplying a current ( $I_{DC}$ ) to the device under test, comprising:

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a first power supply unit (3) for generating a current ( $I_{DC}$ ) generated by current generators 3A and 3B) to be supplied to the device under test; and

first and second coaxial cables (4A and 4B respectively) through which the current generated by the first power supply unit is supplied to the device under test, wherein the first power supply unit comprises:

a current detecting unit (combination of resistors "R" and sense resistor  $R_{sense}$  shown in Figure 3) for detecting an amount of a voltage drop ( $V_1$ ) when the current generated by the first power supply unit passes through a predetermined resistor ( $R_{sense}$ ); and

a current controlling unit (resistors "R" in combination with Op Amp and Power MOSFETS 31A / 31B) for controlling the current being supplied to the device under test in response to the amount of the voltage drop detected by the current detecting unit (note formula shown in figures that determine ( $I_{DC}$ )),

the first coaxial cable comprises:

a first internal conductor (shown as wire extension from 4A connected to output of current generator 3A) for conducting the current from the first power supply unit towards the device under test; and

a first external conductor (shown as outer portion of 4A connected to input of current generator 3A) provided around the first internal conductor with an insulator interposed therebetween (inherent to coaxial cables) for conducting the current from the device under test towards the first power supply unit, and

the second coaxial cable comprises:

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a second internal conductor (shown as wire extension from 4B connected to input of current generator 3B) for conducting the current from the device under test towards the first power supply unit; and

a second external conductor (shown as outer portion of 4B connected to output of current generator 3B) around the "second" internal conductor with an insulator interposed therebetween (inherent to coaxial cables) for conducting the current from the first power supply unit towards the device under test; as recited in claim 1.

As to claim 2, having a current the controlling unit controlling the current supplied to the device under test so as to negate the amount of the voltage drop caused by the predetermined resistor is anticipated by Kuboyama et al (col 7, ln 1-11).

As to claim 3, having a voltage detecting unit for comparing a voltage to be applied to the device under test with a voltage being practically applied to the device under test and outputting a comparison result thereof, wherein the current controlling unit controls the current supplied to the device under test further based on the comparison result outputted by the voltage detecting unit is considered inherent to the operation of the power source units shown in Figure 3.

4. The following is a statement of reasons for the indication of allowable subject matter:

Claims 4-8, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The added limitation of the first

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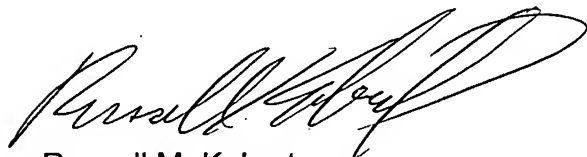
internal and second external conductors coupled in parallel to each other as described in claim 4 has not been found, the configuration of elements described in claim 5 have not been found and the added limitation of the first internal conductor, the first external conductor, the second internal conductor and the second external conductor being connected to the device under test as described in claim 11 have not been found. **It is further noted that the examiner's reasons are understood to be predicated upon consideration of each of the claims as a whole, and not upon any specific elements of the claims.**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (571) 272-1963. For an automated menu of Tech Center 2800 phone numbers call (571) 272-2800.



Russell M. Kobert  
Patent Examiner  
Group Art Unit 2829  
April 19, 2006



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04/21/06